REMARKS

Claims 1-16 are pending in the application; the status of the claims is as follows:

Claims 7-12 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,429,895 B1 to Onuki ("Onuki").

Claims 1-6 and 13-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Onuki in view of U.S. Patent No. 5,742,339 to Wakui ("Wakui").

Claims 6-8 have been amended to improve the form thereof. Claim 15 has been amended to correct a spelling error. These changes do not introduce any new matter.

35 U.S.C. § 102(e) Rejection

The rejection of claims 7-12 under 35 U.S.C. § 102(e) as being anticipated by Onuki, is respectfully traversed based on the following.

Amended claim 7 recites, *inter alia*, "a display having a viewing portion for displaying an image taken by the image taking apparatus and an indicating portion adjoining said viewing portion for indicating that images are being taken in said multiplex image taking mode." Onuki only discloses that camera CMR includes display DISP, with no disclosure as to how images or other information is displayed on display DISP. In contrast, claim 7 sets forth in detail that the viewing portion and the indicating portion are adjoining, i.e., next to each other. "A claim is anticipated only if each and every element as set forth in the claim is found ... in a single prior art reference ... shown in as complete detail as is contained in the ... claim." *See* MPEP § 2131. It is respectfully submitted that because Onuki does not disclose a display with the detail recited in the claim 7, Onuki cannot anticipate claim 7.

Amended claim 8 recites, *inter alia*, "a display having a viewing portion for displaying an image taken by the camera and an indicating portion adjoining said viewing portion for providing an indication distinguishing between said first mode and said second mode." As set forth above in regards to claim 7, Onuki does not provide any details as to how an image or other information is displayed on display DISP. Because Onuki does not disclose a display in as complete detail as is recited in claim 8, Onuki cannot anticipate claim 8.

Claims 9 and 10 depend from claim 8, and therefore distinguish over Onuki for at least the same reasons as provided above regarding claim 8.

Claim 11 recites, *inter alia*, "a detector for detecting whether or not there is abnormality disturbing said composing **when images are being taken** in said second mode." As provided below in regards to the § 103(a) rejection of claim 1, this feature of claim 11 is not disclosed, taught, or otherwise suggested by Onuki. Therefore, Onuki is distinguished by claim 11, as well as by claim 12 which depends therefrom.

Accordingly, it is respectfully requested that the rejection of claims 7-12 under 35 U.S.C. § 102(e) as being anticipated by Onuki, be reconsidered and withdrawn.

35 U.S.C. § 103(a) Rejection

The rejection of claims 1-6 and 13-16 under 35 U.S.C. § 103(a), as being unpatentable over Onuki in view of Wakui, is respectfully traversed based on the following.

Claim 1 recites, *inter alia*, "a detector which detects abnormality disturbing said multiplex image processing **when said plurality of images are being taken** in said multiplex image taking mode." That is, the detectors detects the abnormalities in the midst of taking the multiple images. *See* also Fig. 9.

In contrast, Onuki clearly teaches that the plurality of images are analyzed and abnormalities detected **after all of the images have been captured**. For example, the disclosed flowcharts show that all N_{SF} images are captured. *See* steps S117-S122 in Figs. 6, 18, 35, and 40. Then the images are synthesized. Step S124. During image synthesis, blurring amounts are calculated for pairs of the multiplexed images. *See* S161-167 of Fig. 33, which corresponds to step S124 of Fig. 18 (*See* col. 41, lines 24-25). If the blurring amounts (δ_H, δ_L) are not less than the limit (δ_{max}), image synthesis is aborted and one of the multiplexed images is returned. *See* Fig. 33, step S168 and column 41, line 65 to column 42, line 8. *See* also, Figs. 36 and 39 for alternative embodiments of image synthesis step S124. Onuki does not provide any other teaching with respect to how or when the plurality of images are analyzed. It is respectfully submitted that Onuki fails to disclose, teach, or suggest "a detector which detects abnormality disturbing said multiplex image processing when said plurality of images are being taken in said multiplex image taking mode" as required by claim 1. Wakui is silent with regard to multiplex processing of multiple images. Therefore, the combination of Onuki and Wakui is distinguished by claim 1.

Claim 2 recites, *inter alia*, "a controller which, when said abnormality is detected by said detector, suspends processing in said multiplex image taking mode, and accepts user selection regarding image recording for said plurality of images taken." That is, according to claim 2 if an abnormality is detected, processing is aborted and the user may select which of the plurality of images are to be saved. The Office Action alleges that this is taught by the combination of Onuki and Wakui. It is respectfully submitted, however, that there is no motivation or suggestion to make the combination.

Onuki discloses several embodiments of a digital camera in which a plurality of images are captured and then subjected to image synthesis. *See*, for example, Fig. 6, steps S117-S122 and S124. The image synthesis step returns a single image which is then recorded. *See* column 14, lines 50-57. If there is a problem with the image synthesis, "one of the plurality of images, not a synthesized image ... is outputted." *See* column 41,

line 65 to column 42, line 8. Thus, Onuki teaches that a single image is saved regardless of any errors in image synthesis, and thereby teaches away from providing a user with a choice of which images to save if there is an error.

Wakui also fails to provide any suggestion or motivation to make the combination proposed in the Office Action. Taken as a whole, Wakui teaches that if it is inconvenient or time consuming to delete images from a removable IC memory card, *e.g.*, the card has to be removed from the camera and connected to a computer, it may be desirable to capture a plurality of images to a temporary memory and then let a user selectively transfer images to the IC memory card. Column 1, lines 16-38. Wakui does not suggest any other conditions under which this feature would be useful. Therefore, Wakui cannot be said to suggest enabling a user to selectively save images from a plurality of images when an error has occurred while synthesizing the plurality of images.

Thus, Onuki teaches away from the features of claim 2. Wakui only teaches that selectively copying image to an IC memory card is desirable when it is inconvenient to erase images from the card. It is respectfully submitted, therefore, that neither Onuki nor Wakui provide any suggestion or motivation to combine their respective teachings. No other art is cited that may provide the necessary motivation. Accordingly, there is no motivation or suggestion to make the proposed combination.

Claim 3 recites, *inter alia*, "a detector which detects abnormality disturbing said multiplex image processing when said plurality of images are being taken in said multiplex image taking mode." As provided above in regards to claim 1, this feature of claim 3 is not disclosed, taught, or otherwise suggested by Onuki. Therefore, Onuki is also distinguished by claim 3.

Claim 4 recites, *inter alia*, "a display which, when said abnormality is detected by said detector, indicates that a multiplex image taking is unsuccessful, and provides for user selection regarding image recording for said plurality of images taken." As provided above in respect of claim 2, neither Onuki not Wakui suggests enabling a user to

selectively save images from a plurality of images when an abnormality is detected in the multiplex processing of the plurality of images. Therefore, claim 4 is not obvious in view of Onuki and Wakui.

Claim 5 recites, *inter alia*, "detecting abnormality disturbing multiplex image processing **when a plurality of images are being taken**." As provided above in regards to claim 1, Onuki only teaches that abnormalities are detected after all of the plurality of images are captured. Therefore, Onuki is distinguished by claim 5.

Amended claim 6 recites "accepting user selection regarding image recording for said plurality of images taken when said abnormality is detected." As provided above in respect of claim 2, there is no motivation or suggestion to combine Onuki and Wakui as proposed. It is respectfully submitted, therefore, that claim 6 is not obvious in view of Onuki and Wakui.

Claim 13 recites, *inter alia*, "a detector for detecting whether or not there is abnormality disturbing said composing **when said plurality of images are being taken** in said specific mode." As provided above in regards to claim 1, this feature of claim 13 is not disclosed, taught, or otherwise suggested by Onuki. Therefore, Onuki is also distinguished by claim 13.

Claim 14 recites "a controller which, when said abnormality is detected by said detector, suspends processing in said specific mode, and accepts user selection regarding image recording for said plurality of images taken." As provided above in regards to claim 2, there is no motivation or suggestion to combine Onuki and Wakui as proposed. It is respectfully submitted, therefore, that claim 14 is not obvious in view of Onuki and Wakui.

Claim 15 recites, *inter alia*, "a detector for detecting whether or not there is abnormality disturbing said composing **when said plurality of images are being taken** in said specific mode." As provided above in regards to claim 1, Onuki only teaches that

abnormalities are detected after all of the plurality of images are captured. Therefore, Onuki is distinguished by claim 15.

Claim 16 recites, *inter alia*, "a display which, when said abnormality is detected by said detector, indicates that said image taking in said specific mode is unsuccessful, and provides for user selection regarding image recording for said plurality of images taken." As provided above in respect of claim 2, neither Onuki not Wakui suggests enabling a user to selectively save images from a plurality of images when an abnormality is detected in the multiplex processing of the plurality of images. Therefore, claim 16 is not obvious in view of Onuki and Wakui.

Accordingly, it is respectfully requested that the rejection of claims 1-6 and 13-16 under 35 U.S.C. § 103(a) as being unpatentable over Onuki in view of Wakui, be reconsidered and withdrawn.

CONCLUSION

Wherefore, in view of the foregoing amendments and remarks, this application is considered to be in condition for allowance, and an early reconsideration and a Notice of Allowance are earnestly solicited.

This Amendment does not increase the number of independent claims, does not increase the total number of claims, and does not present any multiple dependency claims. Accordingly, no fee based on the number or type of claims is currently due. However, if a fee, other than the issue fee, is due, please charge this fee to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260.

Any fee required by this document other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

If an extension of time is required to enable this document to be timely filed and there is no separate Petition for Extension of Time filed herewith, this document is to be construed as also constituting a Petition for Extension of Time Under 37 C.F.R. § 1.136(a) for a period of time sufficient to enable this document to be timely filed.

Any other fee required for such Petition for Extension of Time and any other fee required by this document pursuant to 37 C.F.R. §§ 1.16 and 1.17, other than the issue fee, and not submitted herewith should be charged to Sidley Austin Brown & Wood LLP's Deposit Account No. 18-1260. Any refund should be credited to the same account.

Respectfully submitted,

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